



October 21, 1999

Mr. Steven D. Monte'
Office of the City Attorney
Criminal Law and Police Division
1500 Marilla
Dallas, Texas 75201

OR99-2970

Dear Mr. Monte':

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129680.

The Dallas Police Department (the "department") received a request for a list of burglaries, rapes, home invasions, and auto thefts that occurred in Dallas over the last three weeks. You claim that the submitted information, which is responsive only to the request for the list of rapes, is excepted from disclosure under section 552.101 of the Government Code.¹ We have considered the exception you claim and reviewed the submitted information.

Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision," including information coming within the common-law right to privacy. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Common-law privacy protects information if it is highly intimate or embarrassing, such that its release would be highly objectionable to a reasonable person, *and* it is of no legitimate concern to the public. *Id.* at 683-85. In *Industrial Foundation*, the Texas Supreme Court held that information that relates to, among other things, sexual assault is intimate and embarrassing and is generally of no legitimate public interest. *Id.* at 683; *see also* Open Records Decision Nos. 393 (1983), 339 (1982). Therefore, the department must withhold information that identifies a sexual assault victim under section 552.101 in conjunction with the common-law right to privacy. The submitted document contains addresses indicating the locations where the rapes occurred. To the extent that these addresses correspond with the victims' residences, they tend to identify the victims. Therefore, common-law privacy, as encompassed by section 552.101, requires that the department redact each address that corresponds with a victim's residence. The rest of the submitted information must be released to the requestor.

¹Because you only question whether to release the information pertaining to the requested list of rapes, we assume that you have released the rest of the requested information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in cursive script that reads "E. Joanna Fitzgerald".

E. Joanna Fitzgerald
Assistant Attorney General
Open Records Division

EJF\nc

Ref: ID# 129680

Encl: Submitted documents

cc: Mr. John Roady
10544 Lippitt
Dallas, Texas 75218
(w/o enclosures)